

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-CR-30193-SMY
)	
BRIAN K. MULLINS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

This matter is before the court for consideration of Defendant Brian K. Mullins’s *pro se* Motion to Request Compassionate Release pursuant to the First Step Act (Doc. 78). The Government responded in opposition (Doc. 81).

On April 2, 2019, Mullins was sentenced to 157 months of imprisonment for possession with the intent to distribute methamphetamine and possession of a weapon by a felon (Doc. 69). He is currently housed at the Federal Correctional Institution in Terre Haute, Indiana (“FCI-Terre Haute”); his anticipated release date is August 15, 2029.

Section 603 (b)(1) of the First Step Act permits the Court to reduce a term of imprisonment upon motion of either the Director of the BOP or a defendant for “extraordinary or compelling reasons” so long as the reduction is “consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(1). Mullins seeks compassionate release, stating he is 50 years old, suffers from obesity, blood clotting, and high blood pressure, and has contracted COVID-19 twice.

FCI-Terre Haute currently has 1 staff member infected with COVID-19 and no infected inmates out of an inmate population of 1,388. *See* <https://www.bop.gov/coronavirus/> (last visited

July 29, 2022). Although Mullins alleges that he suffers from various medical conditions, he is fully vaccinated and has presented no evidence that he is unable to benefit from vaccination or is at greater risk for an adverse outcome in prison than he would be if released. See, *United States v. Barbee*, 25 F.4th 531, 533 (7th Cir. 2022). As such, the Court finds no extraordinary and compelling reason for his release due to COVID-19.

Accordingly, Mullins's Motion to Request Compassionate Release pursuant to the First Step Act (Doc. 78) is **DENIED**.

IT IS SO ORDERED.

DATED: July 29, 2022



STACI M. YANDLE
United States District Judge